



Attorney Docket No. 5051-616

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Ben-Bassat et al.

Serial No.: 09/585,174

Group Art Unit: 1652

Filed: June 1, 2000

Examiner: M. Monshipouri

For: Method for the Production of p-Hydroxybenzoate in Species of *Pseudomonas* and *Agrobacterium*

VIA FACSIMILE TRANSMISSION TO:

Box AF

Commissioner for Patents

Washington, DC 20231

ATTN: Examiner M. Monshipouri

**Declaration of Mary L. Miller
in support of Budapest Treaty Deposit**

I, Mary L. Miller, declare as follows:

1. I am the attorney handling the prosecution of the above-referenced application Serial No. 09/585,174. I am employed by Myers Bigel Sibley & Sajovec, Inc., the attorneys of record for this application.
2. Plasmid pMC4 was deposited under the provisions of the Budapest Treaty with the American Type Culture Collection, 10801 University Blvd., Manassas, VA, 20110-2209, on October 24, 2002 and has been assigned the Patent Deposit Designation Number PTA-4775.
3. I confirm, on information and belief, that (a) all restrictions upon the availability to the public of the deposited plasmid listed in paragraph 2 will be irrevocably removed upon the granting of a patent on this application, and (b) the deposit will be maintained in the public depository for a period of at least 30 years from the date of the deposit or for the enforceable life of the patent or for a period of 5 years after the date of the most recent request for furnishing a sample of the deposited plasmid, whichever is longest.

4. I do hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 19 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Mary L. Miller
Mary L. Miller
Registration No. 39,303

January 13, 2003
Date



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**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

INTERNATIONAL FORM

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2**

To: (Name and Address of Depositor or Attorney)

DuPont Experimental Station
Attn: Robert K. Kobos
E301/319
200 Powder Mill Road
P.O. Box 80301
Wilmington, DE 19880-0301

Deposited on Behalf of: North Carolina State University

Identification Reference by Depositor:

Plasmid pMC4

Patent Deposit Designation

PTA-4775

The deposit was accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposit was received October 24, 2002 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested November 27, 2002. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: December 23, 2002

cc: Kenneth D. Sibley, Esq.
(Ref: Docket or Case No.: BC-1018)